Item no. 996-B x 96-2: H.Doc.339

96th Congress, 2d Session . . . . . House Document No. 96-339

COMPLETED
ORIGINAL

STATE PLANNING COUNCIL ON RADIOACTIVE WASTE MANAGEMENT ACT

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A DRAFT OF PROPOSED LEGISLATION TO ESTABLISH A STATE PLANNING COUNCIL ON RADIOACTIVE WASTE MANAGEMENT IN THE EXECUTIVE BRANCH

JULY 2, 1980.—Referred to the Committees on Interior and Insular Affairs and Interstate and Foreign Commerce and ordered to be printed

---

U.S. GOVERNMENT PRINTING OFFICE
59-011 O WASHINGTON : 1980

(6)

THE WHITE HOUSE,
Washington, July 1, 1980.

Hon. THOMAS P. O'NEILL, JR.,
Speaker of the U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed is proposed legislation to establish a State Planning Council on Radioactive Waste Management.

The purpose of this bill is to provide a long-term statutory basis for the State Planning Council on Radioctive Waste Management. I established this Council by Executive Order No. 12192, on February 12, 1980, in conformance with the Federal Advisory Committee Act (Public Law 92–463). Section 14 of that Act limits the life of advisory committees to 2 years, although an advisory committee may have its life extended at the end of each 2-year period. Delicate State-Federal relations relative to management of the Nation's radioactive waste and the long-term nature of the problem will require the Council's attention for an extended period. For this reason the proposed legislation provides a 10-year life for the Council unless otherwise provided by law. This bill is one of several legislative initiatives that I proposed in my Message to the Congress of February 12, 1980, on radioactive waste.

The Council provides advice and recommendations to the President and the Secretary of Energy on nuclear waste management with particular attention being given to:

1. Procedural mechanisms for reviewing nuclear waste management programs in a way to ensure timely and effective State and local involvement.
2. Review of the development of comprehensive nuclear waste management plans and recommendations to assure that the needs of State and local areas are addressed.
3. Advice on all aspects of siting facilities for the storage and disposal of nuclear wastes.

The legislation provides that the Council shall consist of 18 members, 14 of whom shall be appointed by the President. These 14 members would be selected from elected officials of State and local government including one Indian tribal representative. The remaining members would be the Secretaries of Energy, the Interior, and Transportation, and the Administrator of the Environmental Protection Agency. The term of members selected from among elected officials would be 2 years. Only the Governor of a State would be eligible for designation as Chairman of the Council.

The proposed legislation would authorize the appropriation to the Department of Energy, for transfer to the Council, of such sums as may be necessary to carry out its work. $1.7 million is the amount estimated to be needed to support the Council in its first year of operation. It is estimated that similar amounts would be needed for each year the Council is in operation.

In light of the continuing need for constructive action addressing the problems associated with the management of radioactive waste, I urge that the Congress give this proposal its careful, prompt, and favorable attention.

Sincerely,

JIMMY CARTER.

BLANK PAGE

A BILL To establish a State Planning Council on Radioactive Waste Management in the Executive Branch

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "State Planning Council on Radioactive Waste Management Act."

ESTABLISHMENT OF THE COUNCIL

SEC. 2. There is established an advisory committee to be known as the State Planning Council on Radioactive Waste Management, referred to in this Act as the "Council."

MEMBERSHIP OF THE COUNCIL

SEC. 3. (a) The Council shall consist of 18 members. Fourteen members shall be appointed to the Council by the President. Of these 14 members, eight shall be governors, five shall be State and local elected officials other than governors, and one shall be a tribal government representative. The remaining four members of the Council shall be the Secretaries of Energy, the Interior, and Transportation and the Administrator of the Environmental Protection Agency. The Nuclear Regulatory Commission shall participate as an observer in Council activities. Of the members of the Council selected from among elected officials. seven shall be appointed for a 1-year term and seven shall be appointed for a 2-year term. Appointments, or reappointments, at the expiration of the initial terms shall be for terms of 2 years. Appointments to fill a vacancy occurring before the end of a term shall be for the balance of the term. No member who is an elected official may continue to serve on the Council if that member ceases to be an elected official.

(b) In appointing members of the Council, the President shall endeavor to ensure representation of a broad range of views with respect to nuclear waste and spent nuclear fuel management and to ensure representation of geographical areas that are users of nuclear power and of geographical areas that are serving or may be likely to serve as locations for nuclear waste and spent nuclear fuel storage or disposal or that may be directly or substantially affected by those activities.

(c) The President shall designate one of the members of the Council as Chairman. Only the Governor of a State shall be eligible for designation as Chairman of the Council.

DUTIES AND RESPONSIBILITIES OF THE COUNCIL

SEC. 4. The Council shall provide advice and recommendations to the President, the Secretary of Energy and, as appropriate, other Federal agencies, the Congress, State and local governments, and Indian tribes on nuclear waste management (including management of spent nuclear fuel). In particular, the Council shall:

(1) recommend procedural mechanisms for reviewing nuclear waste management plans and programs in a way to ensure the timely and effective involvement of State and local governments and Indian tribes. Those mechanisms shall include a consultation and concurrence process designed to achieve Federal, State, local, and Indian tribal agreement that accommodates the interests of all the parties;

(2) review the development of comprehensive nuclear waste management plans, including planning activities for transportation, storage, and disposal of all categories of nuclear waste and provide recommendations to ensure that these plans adequately address the needs of the State, local, and Indian tribal areas affected;

(3) advise on all aspects of siting facilities for storage and disposal of nuclear wastes, including the review of recommended criteria for site selection and site suitability, guidelines for regional siting, and procedures for site characterization and selection;

(4) advise on an appropriate role for State and local governments and Indian tribes in the licensing, permitting, regulation, and operation of nuclear waste repositories;

(5) advise on proposed Federal regulations, standards, and criteria related to nuclear waste management programs; and

(6) identify and make recommendations on other matters related to the transportation, storage, and disposal of nuclear waste that the Council believes are important.

AUTHORITY OF THE COUNCIL

SEC. 5. The Council shall have the authority to—

(1) appoint special advisors to the Council. These persons shall be elected State or local officials or tribal government representatives from jurisdictions affected by the work of the Council;

(2) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State or local public agencies, or Indian tribal governments or Indian tribes with or without reimbursement therefor;

(3) accept voluntary and uncompensated services;

(4) enter into contracts, leases, cooperative agreements, or other transactions necessary in the conduct of the Council's functions, with any public agency, or with any person, firm, association, corporation, or educational institution; and

(5) transfer funds to and accept funds from Federal agencies to discharge Council responsibilities as set forth in section 4 of this Act.

PERSONNEL AND ADMINISTRATION

SEC. 6. (a) Members of the Council and special advisors who are not otherwise full-time employees of the Federal Government shall receive no compensation from the United States by virtue of their service on the Council, but all members and special advisors may receive the transportation and travel expenses, including per diem in lieu of subsistence, authorized by law (5 U.S.C. sections 5702 and 5703).

(b) The Chairman of the Council may appoint and fix the compensation of a staff Director and such additional persons as may be necessary to discharge the Council's responsibilities. The Director and staff personnel shall be appointed in accordance with the provisions of title 5, United States Code, covering appointments in the civil service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. In addition, the Council may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the maximum rate of pay for GS–18, as provided in the General Schedule under section 5332 of title 5, United States Code.

(c) The Director and staff personnel may receive travel and transportation expenses, including per diem in lieu of subsistence, authorized by law (5 U.S.C. sections 5702 and 5703).

(d) A vacancy that may occur on the Council shall not affect its powers or functions, but shall be filled in the same manner in which the original appointment was made.

(e) The Council shall be governed by the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), except as inconsistent with this Act.

(f) The Secretaries of Energy, the Interior, and Transportation and the Administrator of the Environmental Protection Agency shall each designate one officer by title to act on his behalf to attend each meeting of the Council as provided in section 10 of the Federal Advisory Committee Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There is hereby authorized to be appropriated to the Department of Energy such sums as may be necessary to carry out the purposes of this Act. Notwithstanding section 628–1 of title 31, United States Code, the Department of Energy shall transfer funds appropriated pursuant to this authorization to the Council to carry out the purposes of this Act.

SUNSET

SEC. 8. The Council shall remain in existence for 10 years after the date of enactment of this Act unless otherwise provided by a law enacted after the date of enactment of this Act.

O